

REMARKS

Claims 75-90 and 92-109 are now pending in the application. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ELECTION/RESTRICTIONS

The Examiner asserts that Claims 108 and 109 submitted in the Response filed May 2, 2007 are directed to an invention that is independent or distinct from the originally claimed invention, as Claims 108 and 109 are directed to a non-elected invention. Specifically, the Examiner asserts that Claims 108 and 109 are directed to the subject matter of cancelled Claims 51-73, which were cancelled in response to the Restriction mailed October 19, 2005. Applicants respectfully disagree and request withdrawal of the restriction requirement, entry of Claims 108 and 109 into the Record, and removal of the finality of the Office Action.

Applicants note that independent Claim 51 was directed to a diagnostic system for a compressor including at least one sensor monitor operating conditions of the compressor, logic circuitry associated with the at least one sensor and a motor protector, and an intelligent device in communication with the logic circuitry and operable to indicate a fault cause. Independent Claim 67 was directed to a method including sensing at least one operating condition of a compressor, analyzing the operating condition, determining a trip frequency of a motor protector, identifying a

compressor fault cause based on the operating condition and trip frequency, and communicating the fault cause to an intelligent device.

Conversely, independent Claim 108 is directed to a system including a compressor having a motor operable to power the compressor to an ON condition, a motor protector operable in a tripped condition to restrict power to the motor in response to motor operating parameters, and a diagnostic device operable to diagnose a fault condition based on a moving window time average of the compressor operating in the ON condition when the motor protector is in a tripped condition. Independent Claim 9 recites a system including a compressor including a motor operable to power said compressor to an ON condition, a motor protector operable in a tripped condition to restrict power to the motor in response to motor operating parameters, and a diagnostic device operable to diagnose a fault condition when the motor protector is in the tripped condition based on a moving window time average of the compressor operating in the ON condition.

At the outset, Applicants note that the elected species—namely cancelled Claim 38—recited logic circuitry operable to diagnose an operating condition based upon the status of a motor protector and a moving window time average of a compressor operating in an ON condition. As indicated above, each of Claims 108 and 109 recite similar features and are therefore believed to be directed to the elected species. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement, entry of Claims 108 and 109 into the Record, and removal of the finality of the Office Action.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 

Michael Malinzak
Reg. No. 43,770
Matthew H. Szalach
Reg. No. 53,665

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MM/MHS/ca